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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,909	11/30/2000	Robert Denton Silfvast	P514	3696

24739 7590 03/25/2005

CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004

EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,909

Applicant(s)

SILFVAST ET AL.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-24,26-36,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-24,26-34,36 and 39 is/are rejected.
- 7) ☒ Claim(s) 35 and 40 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 20-24, 26-28, 32-34, 36, and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky in view of Chatani, U. S. Patent No. 6567845.

Regarding **claims 20, 32 and 39, respectively**, Janky discloses a system transmitting audio files via the Internet. Janky's disclose comprises an internetwork server coupled with a central library comprising audio/text data files, which reads on a data storage repository and data server, a personal computer, wherein the audio and other data files may be downloaded from the PC to a portable storage and playback device via a docking station comprising coupled to the computer (abstract, col. 6, lines 12-40 and col. 3, lines 28-35), which reads a memory dock connected to the host computer; the docking station comprises a PCMCIA card with flash memory; the portable storage and playback unit comprises a memory slot for storing the audio files download to the computer and later playback use, thus the memory card is removable from the host computer (col. 8, lines 9-11) and placed in the electronic device – the portable storage and playback unit (PSU), in which all encompasses the user operating the electronic device connected to the host computer and retrieving audio applications stored thereon, via host computer and the data server. However, Janky fails to specifically disclose downloading audio-

effects software application (herein audio transmission) and executable by the electronic processing device.

Regarding the audio transmission, Chatani discloses processing data by sending and receiving data. Chatani's disclosure comprises a sound system which includes an SPU for generating music sounds, sound effects, etc., which includes program or software applications or instructions from a CPU and may place on a memory from later reproduction in another device (col. 19, lines 56-67 and col. 20, lines 1-36).

Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Janky by implementing the transmission of sound effects software applications for the purpose of enhancing the performance and quality of sound of portable electronic audio devices.

Regarding **claim 21 and 33**, Janky and Chatani discloses everything claimed as applied above (see claim 20). (Janky and Chatani) Janky discloses the use of the Internet.

Regarding **claim 22**, Janky and Chatani disclose everything claimed as applied above (see claim 20). Janky and Chatani (Janky) disclose the docking station with the PSU coupled to the PC (figure 1 and 2).

Regarding **claim 23**, Janky and Chatani discloses everything claimed as applied above (see claim 20). Janky and Chatani fail to specifically disclose wireless serial connection. The use of wireless serial connection is well known in the art. Thus it would have been obvious for one of the ordinary skill in the art to modify the invention of Janky by implement wireless serial transmission connection for the transmission of the audio data from one device the another, wherein wireless data transmission is a commonly used technique in the art.

Regarding **claims 24 and 27**, Janky and Chatani discloses everything claimed as applied above (see claim 20). Janky and Chatani (Janky) disclose the docking station having memory coupled to the PC (figure 1 and 2), wherein it obvious the connection is cabled via the second communication module 77 to docking station.

Regarding **claim 26**, Janky and Chatani discloses everything claimed as applied above (see claim 20). Janky and Chatani (Janky) discloses the docking station having memory coupled to the PC (figure 1 and 2).

Regarding **claim 28**, Janky and Chatani discloses everything claimed as applied above (see claim 20). Janky and Chatani (Janky) discloses the PCMCIA card comprising flash memory.

Regarding **claim 34**, Janky and Chatani discloses everything claimed as applied above (see claim 32). Janky and Chatani (Janky) disclose the connection via the personal computer – host computer.

Regarding **claim 36**, Janky and Chatani discloses everything claimed as applied above (see claim 32). Janky and Chatani (Janky) disclose the browser application in figure 3.

3. **Claims 29-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky and Chatani in view of Juskiewicz.

Regarding **claim 29**, Janky and Chatani discloses everything claimed as applied above (see claim 20). However, Janky and Chatani fail to disclose audio-effects application as software plug-ins used on the electronic device.

Regarding the software applications, in a similar field of endeavor, Juskiewicz discloses a universal audio communications and control system and method. Juskiewicz disclosure comprises an amplifier with a DSP (13) and musical instruments, wherein the amplifier provides sound effects applications via software plug-ins to the instruments, wherein the plug-ins are applied to the DSP computer of the amplifier (col. 35, lines 30-34).

It would have been obvious to one of the ordinary skill in the art the time the invention was made to modify the invention of Janky and Chatani by implementing audio-effects applications as software plug-ins for the purpose of enhancing the sound/audio experts' techniques of processing audio with convenience and better efficiency.

Regarding **claims 30-31**, Janky, Chatain and Juskiewicz disclose everything claimed as applied above (see claim 20). It obvious that the plug-ins are download from the system memory of the host computer as obvious by the fact the memory stores and writes audio data files, wherein the memory may be flash memory, ROM, RAM and hard drive.

Allowable Subject Matter

4. **Claims 35 and 40** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 20-24, 26-36 and 39-40 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essentially argues that Janky fails to disclose audio effects software application executable by the electronic processing device. A new reference of prior art has been provided to modify the Janky rejection, in which the new reference of prior art discloses a sound system which includes an SPU for generating music sounds, sound effects, etc., which includes program or software applications or instructions from a CPU and may place on a memory from later reproduction in another device, which reads on the amended changes of the claim language.

Conclusion

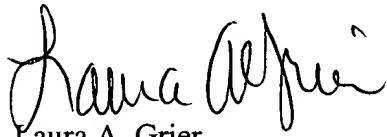
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR s

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Laura A. Grier". The signature is fluid and cursive, with the first name "Laura" being more prominent than the last name "Grier".

Laura A. Grier
March 20, 2005